

67-1-1. General powers and duties.

In addition to those prescribed by the constitution, the governor has the following powers and must perform the following duties:

(1) He shall supervise the official conduct of all executive and ministerial officers.

(2) He shall see that all offices are filled and the duties thereof performed, or in default thereof, apply such remedy as the law allows, and, if the remedy is imperfect, acquaint the Legislature therewith at its next session.

(3) He shall make appointments and fill vacancies as required by law.

(4) He is the sole official organ of communication between the government of this state and the government of any other state and of the United States.

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney general to appear on behalf of the state, and may employ such additional counsel as he may judge expedient.

(6) He may require the attorney general or the county attorney or district attorney of any county to inquire into the affairs or management of any corporation doing business in this state.

(7) He may require the attorney general to aid any county attorney or district attorney in the discharge of his duties.

(8) He may offer rewards, not exceeding \$1,000 each, payable out of the general fund, for the apprehension of any convict who has escaped from the state prison, or any person who has committed, or is charged with the commission of, a felony.

(9) He must perform such duties respecting fugitives from justice as are prescribed by law.

(10) He must issue and transmit election proclamations as prescribed by law.

(11) He must issue land warrants and patents as prescribed by law.

(12) He must, prior to each regular meeting of the Legislature, deliver to the Division of Archives for publication all biennial reports of officers, commissions, and boards for the two preceding years.

(13) He may require any officer, commission, or board to make special reports to him in writing.

(14) He must discharge the duties of a member of all boards of which he is or may be made a member by the constitution or by law.

(15) He shall each year issue a proclamation recommending the observance of Arbor day, by the planting of trees, shrubs, and vines, in the promotion of forest growth and culture, and in the adornment of public and private grounds, places and ways, and in such other efforts and undertakings as shall be in harmony with the general character of such holiday.

(16) He has such other powers and must perform such other duties as are devolved upon him by law.

Amended by Chapter 38, 1993 General Session

67-1-1.5. Gubernatorial appointment powers.

(1) As used in this section:

(a) "Board member" means each gubernatorial appointee to any state board, committee, commission, council, or authority.

(b) "Executive branch management position" includes department executive directors, division directors, and any other administrative position in state government where the person filling the position:

(i) works full-time performing managerial and administrative functions;

(ii) is appointed by the governor with the consent of the Senate.

(c) (i) "Executive branch policy position" means any person other than a person filling an executive branch management position, who is appointed by the governor with the consent of the Senate.

(ii) "Executive branch policy position" includes each member of any state board and commission appointed by the governor with the consent of the Senate.

(2) (a) Whenever a vacancy occurs in any executive branch policy position or in any executive branch management position, the governor shall submit the name of a nominee to the Senate for consent no later than three months after the day on which the vacancy occurs.

(b) If the Senate fails to consent to that person within 90 days after the day on which the governor submits the nominee's name to the Senate for consent:

(i) the nomination is considered rejected; and

(ii) the governor shall resubmit the name of the nominee described in Subsection (2)(a) or submit the name of a different nominee to the Senate for consent no later than 60 days after the date on which the nomination was rejected by the Senate.

(3) (a) Whenever a vacancy occurs in any executive branch management position, the governor may either:

(i) appoint an interim manager who meets the qualifications of the vacant position to exercise the powers and duties of the vacant position for three months, pending consent of a person to permanently fill that position by the Senate; or

(ii) appoint an interim manager who does not meet the qualifications of the vacant position and submit that person's name to the Senate for consent as interim manager within one month of the appointment.

(b) If the Senate fails to consent to the interim manager appointed under Subsection (3)(a)(ii) within 30 days after the day on which the governor submits the nominee's name to the Senate for consent:

(i) the nomination is considered rejected; and

(ii) the governor may:

(A) (I) reappoint the interim manager to whom the Senate failed to consent within 30 days; and

(II) resubmit the name of the person described in Subsection (3)(b)(ii)(A)(I) to the Senate for consent as interim manager; or

(B) appoint a different interim manager under Subsection (3)(a).

(c) If, after an interim manager has served three months, no one has been appointed and received Senate consent to permanently fill the position, the governor shall:

(i) appoint a new interim manager who meets the qualifications of the vacant

position to exercise the powers and duties of the vacant position for three months; or

(ii) submit the name of the first interim manager to the Senate for consent as an interim manager for a three-month term.

(d) If the Senate fails to consent to a nominee whose name is submitted under Subsection (3)(c)(ii) within 30 days after the day on which the governor submits the name to the Senate:

(i) the nomination is considered rejected; and

(ii) the governor shall:

(A) (I) reappoint the person described in Subsection (3)(d); and

(II) resubmit the name of the person described in Subsection (3)(d) to the Senate for consent as interim manager; or

(B) appoint a different interim manager in the manner required by Subsection (3)(a).

(4) The governor may not make a temporary appointment to fill a vacant executive branch policy position.

(5) (a) Before appointing any person to serve as a board member, the governor shall ask the person whether or not the person wishes to receive per diem, expenses, or both for serving as a board member.

(b) If the person declines to receive per diem, expenses, or both, the governor shall notify the agency administering the board, commission, committee, council, or authority and direct the agency to implement the board member's request.

(6) A gubernatorial nomination upon which the Senate has not acted to give consent or refuse to give consent is void when a vacancy in the office of governor occurs.

Amended by Chapter 355, 2010 General Session

67-1-2. Sending list of gubernatorial nominees to Senate and to Office of Legislative Research and General Counsel.

(1) Unless waived by a majority of the president of the Senate, the Senate majority leader, and the Senate minority leader, 15 days before any Senate session to confirm any gubernatorial nominee, except a judicial appointment, the governor shall send to each member of the Senate and to the Office of Legislative Research and General Counsel:

(a) a list of each nominee for an office or position made by the governor in accordance with the Utah Constitution and state law; and

(b) any information that may support or provide biographical information about the nominee, including resumes and curriculum vitae.

(2) When the governor makes a judicial appointment, the governor shall immediately provide to the president of the Senate and the Office of Legislative Research and General Counsel:

(a) the name of the judicial appointee; and

(b) the judicial appointee's:

(i) resume;

(ii) complete file of all the application materials the governor received from the Judicial Nominating Commission; and

(iii) any other related documents, including any letters received by the governor about the appointee, unless the letter specifically directs that it may not be shared.

(3) The governor shall inform the president of the Senate and the Office of Legislative Research and General Counsel of the number of letters withheld pursuant to Subsection (2)(b)(iii).

(4) (a) Letters of inquiry submitted by any judge at the request of any judicial nominating commission shall be classified as private in accordance with Section 63G-2-302.

(b) All other records received from the governor pursuant to this Subsection (4) may be classified as private in accordance with Section 63G-2-302.

(5) The Senate shall consent or refuse to give its consent to the nomination or judicial appointment.

Amended by Chapter 382, 2008 General Session

67-1-2.5. Data bases for executive boards.

(1) As used in this section, "executive board" means any executive branch board, commission, council, committee, working group, task force, study group, advisory group, or other body with a defined limited membership that is created to operate for more than six months by the constitution, by statute, by executive order, by the governor, lieutenant governor, attorney general, state auditor, or state treasurer or by the head of a department, division, or other administrative subunit of the executive branch of state government.

(2) The governor shall designate a person from his staff to maintain a computerized data base containing information about all executive boards.

(3) The person designated to maintain the data base shall ensure that the data base contains:

- (a) the name of each executive board;
- (b) the statutory or constitutional authority for the creation of the executive board;
- (c) the sunset date on which each executive board's statutory authority expires;
- (d) the state officer or department and division of state government under whose jurisdiction the executive board operates or with which the executive board is affiliated, if any;
- (e) the name, address, gender, telephone number, and county of each person currently serving on the executive board, along with a notation of all vacant or unfilled positions;
- (f) the title of the position held by the person who appointed each member of the executive board;
- (g) the length of the term to which each member of the executive board was appointed and the month and year that each executive board member's term expires;
- (h) whether or not members appointed to the executive board require consent of the Senate;
- (i) the organization, interest group, profession, local government entity, or geographic area that the person represents, if any;
- (j) the person's party affiliation, if the statute or executive order creating the

position requires representation from political parties;

(k) whether the executive board is a policy board or an advisory board;

(l) whether or not the executive board has or exercises rulemaking authority; and

(m) any compensation and expense reimbursement that members of the executive board are authorized to receive.

(4) The person designated to maintain the data base shall:

(a) make the information contained in the data base available to the public upon request; and

(b) cooperate with other entities of state government to publish the data or useful summaries of the data.

(5) (a) The person designated to maintain the data base shall prepare, publish, and distribute an annual report by December 1 of each year that includes, as of November 1 of that year:

(i) the total number of executive boards;

(ii) the name of each of those executive boards and the state officer or department and division of state government under whose jurisdiction the executive board operates or with which the executive board is affiliated, if any;

(iii) for each state officer and each department and division, the total number of executive boards under the jurisdiction of or affiliated with that officer, department, and division;

(iv) the total number of members for each of those executive boards;

(v) whether or not some or all of the members of each of those executive boards are approved by the Senate;

(vi) whether each board is a policymaking board or an advisory board and the total number of policy boards and the total number of advisory boards; and

(vii) the compensation, if any, paid to the members of each of those executive boards.

(b) The person designated to maintain the data bases shall distribute copies of the report to:

(i) the governor;

(ii) the president of the Senate;

(iii) the speaker of the House;

(iv) the Office of Legislative Research and General Counsel; and

(v) any other persons who request a copy of the annual report.

Amended by Chapter 176, 2002 General Session

67-1-3. Removal of gubernatorial appointee.

(1) Any time during a recess of the Legislature, the governor may remove any gubernatorial appointee for official misconduct, habitual or willful neglect of duty, or for other good and sufficient cause.

(2) If the appointment required consent of the Senate, the governor may fill the vacancy created by the removal by following the procedures and requirements of Section 67-1-1.5.

Amended by Chapter 176, 2002 General Session

67-1-4. Records to be kept.

The governor must cause to be kept the following records:

(1) An account of all his official expenses and disbursements, including the incidental expenses of his department, and an account of all rewards offered by him for the apprehension of criminals and persons charged with crime.

(2) A register of all appointments made by him, with dates of commissions and names of appointees and predecessors.

No Change Since 1953

67-1-5. Commissioning officers.

The governor must commission all officers of the militia, and all officers appointed by the governor or by the governor with the consent of the Senate.

No Change Since 1953

67-1-6. Acting governor -- Powers and duties.

Every provision of law relating to the powers and duties of the governor, and relating to acts and duties to be performed by others toward him, extends to the person performing, for the time being, the duties of governor.

No Change Since 1953

67-1-8.1. Executive Residence Commission -- Recommendations as to use, maintenance, and operation of executive residence.

(1) The Legislature finds and declares that:

(a) the state property known as the Thomas Kearns Mansion is a recognized state landmark possessing historical and architectural qualities that should be preserved; and

(b) the Thomas Kearns Mansion was the first building listed on the National Register of Historic Places in the state.

(2) As used in this section:

(a) "Executive residence" includes the:

(i) Thomas Kearns Mansion;

(ii) Carriage House building; and

(iii) grounds and landscaping surrounding the Thomas Kearns Mansion and the Carriage House building.

(b) "Commission" means the Executive Residence Commission established in this section.

(3) (a) An Executive Residence Commission is established to make recommendations to the State Building Board for the use, operation, maintenance, repair, rehabilitation, alteration, restoration, placement of art and monuments, or adoptive use of the executive residence.

(b) The commission shall meet at least once a year and make any recommendations to the State Building Board prior to August 1 of each year.

(4) The commission shall consist of nine voting members and one ex officio,

nonvoting member representing the Governor's Mansion Foundation. The membership shall consist of:

(a) three private citizens appointed by the governor, who have demonstrated an interest in historical preservation;

(b) three additional private citizens appointed by the governor with the following background:

(i) an interior design professional with a background in historic spaces;
(ii) an architect with a background in historic preservation and restoration recommended by the Utah chapter of the American Institute of Architects; and
(iii) a landscape architect with a background and knowledge of historic properties recommended by the Utah chapter of the American Society of Landscape Architects;

(c) the director, or director's designee, of the Division of Art and Museums;

(d) the director, or director's designee, of the Division of State History; and

(e) the executive director, or executive director's designee, of the Department of Administrative Services.

(5) (a) Except as required by Subsection (5)(b), as terms of current commission members expire, the governor shall appoint each new member or reappointed member to a four-year term ending on March 1.

(b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.

(6) (a) The governor shall appoint a chair from among the membership of the commission.

(b) Six members of the commission shall constitute a quorum, and either the chair or two other members of the commission may call meetings of the commission.

(7) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(9) The Division of Facilities and Construction Management shall provide the administrative support to the commission.

Amended by Chapter 218, 2011 General Session

67-1-9. Governor's residence -- Sources of funds.

(1) The Kearns' mansion shall be the official residence of the governor.

(2) The building board may apply for, accept and expend funds from federal and other sources for carrying out the purposes of Section 67-1-8.1 and this section.

Amended by Chapter 9, 2001 General Session

67-1-10. Spouse of the governor -- Status as state employee.

The spouse of the governor of the state, when acting as a representative of this state, shall be considered a state employee.

Enacted by Chapter 70, 1985 General Session

67-1-11. Gender balance in appointing board members.

(1) As used in this section, "appointing authority" means the speaker of the House, the president of the Senate, the governor, the governor's designee, nominating committee, or executive branch officer or other body empowered by statute or rule to make any appointment or nomination for appointment to any board, committee, bureau, commission, council, panel, or other entity.

(2) In making a nomination, appointment, or reappointment to fill a vacancy on any board, committee, bureau, commission, council, or other entity, the appointing authority shall strongly consider nominating, appointing, or reappointing a qualified individual whose gender is in the minority on that entity.

Enacted by Chapter 302, 1992 General Session

67-1-12. Displaced defense workers.

(1) The governor, through the Department of Workforce Services, may use funds specifically appropriated by the Legislature to benefit, in a manner prescribed by Subsection (2):

(a) Department of Defense employees within the state who lose their employment because of reductions in defense spending by the federal government;

(b) persons dismissed by a defense-related industry employer because of reductions in federal government defense contracts received by the employer; and

(c) defense-related businesses in the state that have been severely and adversely impacted because of reductions in defense spending.

(2) Funds appropriated under this section before fiscal year 1999-2000 but not expended shall remain with the agency that possesses the funds and shall be used in a manner consistent with this section. Any amount appropriated under this section in fiscal year 1999-2000 or thereafter may be used to:

(a) provide matching or enhancement funds for grants, loans, or other assistance received by the state from the United States Department of Labor, Department of Defense, or other federal agency to assist in retraining, community assistance, or technology transfer activities;

(b) fund or match available private or public funds from the state or local level to be used for retraining, community assistance, technology transfer, or educational projects coordinated by state or federal agencies;

(c) provide for retraining, upgraded services, and programs at applied technology centers, public schools, higher education institutions, or any other appropriate public or private entity that are designed to teach specific job skills requested by a private employer in the state or required for occupations that are in demand in the state;

(d) aid public or private entities that provide assistance in locating new

employment;

(e) inform the public of assistance programs available for persons who have lost their employment;

(f) increase funding for assistance and retraining programs;

(g) provide assistance for small start-up companies owned or operated by persons who have lost their employment;

(h) enhance the implementation of dual-use technologies programs, community adjustment assistance programs, or other relevant programs under Pub. L. No. 102-484; and

(i) coordinate local and national resources to protect and enhance current Utah defense installations and related operations and to facilitate conversion or enhancement efforts by:

(i) creating and operating state information clearinghouse operations that monitor relevant activities on the federal, state, and local level;

(ii) identifying, seeking, and matching funds from federal and other public agencies and private donors;

(iii) identifying and coordinating needs in different geographic areas;

(iv) coordinating training and retraining centers;

(v) coordinating technology transfer efforts between public entities, private entities, and institutions of higher education;

(vi) facilitating the development of local and national awareness and support for Utah defense installations;

(vii) studying the creation of strategic alliances, tax incentives, and relocation and consolidation assistance; and

(viii) exploring feasible alternative uses for the physical and human resources at defense installations and in related industries should reductions in mission occur.

(3) The governor, through the Department of Workforce Services, may coordinate and administer the expenditure of money under this section and collaborate with applied technology centers, public institutions of higher learning, or other appropriate public or private entities to provide retraining and other services described in Subsection (2).

Amended by Chapter 269, 1999 General Session

67-1-14. Information technology.

The governor shall review the executive branch strategic plan submitted to the governor by the chief information officer in accordance with Section 63F-1-203.

Amended by Chapter 169, 2005 General Session

67-1-15. Approval of international trade agreement -- Consultation with Utah International Trade Commission.

Before binding the state or giving the federal government consent to bind the state to an international trade agreement the Governor shall consult with the Utah International Trade Commission.

Enacted by Chapter 362, 2006 General Session

67-1-16. Reservation of area for governor.

(1) As used in this section:

(a) "Architectural integrity" means the architectural elements, materials, color, and quality of the original building construction.

(b) "Capitol hill" means the grounds, monuments, parking areas, buildings, and other man-made and natural objects within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard, and includes:

(i) the White Community Memorial Chapel and its grounds and parking areas, and the Council Hall Travel Information Center building and its grounds and parking areas;

(ii) the Daughters of the Utah Pioneers building and its grounds and parking areas and other state-owned property included within the area bounded by Columbus Street, North Main Street, and Apricot Avenue;

(iii) the state-owned property included within the area bounded by Columbus Street, Wall Street, and 400 North Street; and

(iv) the state-owned property included within the area bounded by Columbus Street, West Capitol Street, and 500 North Street.

(c) "Governor area" means the chambers, rooms, hallways, lounges, parking lots, and parking garages designated by this section as being subject to governor control.

(d) "House Building" means the west building on capitol hill that is located northwest of the State Capitol and southwest of the State Office Building.

(e) "Legislative area" means the buildings, chambers, rooms, hallways, lounges, parking lots, and parking garages designated by this section as being subject to legislative control.

(f) "Senate Building" means the east building on capitol hill that is located northeast of the State Capitol and southeast of the State Office Building.

(g) "State Capitol" means the building dedicated as the Utah State Capitol in 1916.

(h) "State Capitol Preservation Board" or "board" is as created in Section 63C-9-201.

(2) The governor area on capitol hill includes:

(a) in the State Capitol:

(i) on the second floor: the entire floor including the stairways and elevators on the east and west side of the second floor, except:

(A) the area reserved for the attorney general and the state auditor;

(B) the committee room on the northeast side which is to be controlled and scheduled as provided in Subsection 36-5-1(2)(a)(iii);

(C) the conference room on the south side, east of the southeast stairway, which is to be scheduled through the State Capitol Preservation Board;

(D) the Gold Room, which is to be controlled by the governor and the Legislature and scheduled by the governor, with the governor being given scheduling priority; and the maintenance of the Gold Room shall be by the State Capitol Preservation Board at the direction of the governor;

- (E) the public restrooms;
- (F) the grand staircases;
- (G) the public stairways;
- (H) the public elevators;
- (I) the Capitol Rotunda;
- (J) the kitchen to the east of the dignitary protection elevator and pantry area which kitchen is to be scheduled and maintained by the State Capitol Preservation Board, with the governor's and Legislature's use associated with the Gold Room to be given scheduling priority; and
- (K) the open areas:
 - (I) east of the Rotunda to the doors of the Capitol Board Room;
 - (II) south of the Rotunda to the south entrance to the State Capitol; and
 - (III) north of the Rotunda to the north wall;
 - (ii) on the first floor: all office areas, conference rooms, stairways, and elevators, excluding the public corridors, public stairways, and public elevators:
 - (A) west of the south entrance to the State Capitol on the first floor, including the dignitary holding area and elevator, which area and elevator the Legislature may schedule through the Utah Highway Patrol Dignitary Protection Bureau; but excluding the storage area that is directly to the north of the dignitary holding area;
 - (B) west of the public elevator on the north side of the first floor; and
 - (C) the northwest pier storage area; and
 - (iii) in the basement:
 - (A) the audio/video control rooms on the southwest side of the State Capitol are shared space with the Legislature as provided in Section 36-5-1;
 - (B) all areas west of the westernmost hall and bordered by a hall on the north and a hall on the south of the areas, including the stairs and elevator, secured parking and all entrances and exits to the secured parking, and the Utah Highway Patrol Dignitary Protection Bureau office space, and excluding the areas north and south of the area designated in this Subsection (2) as the governor area;
- (b) in the Senate Building:
 - (i) all office areas and conference rooms on the third floor that are south of the south stairway; and
 - (ii) the Utah Highway Patrol Dignitary Protection Bureau office space in the basement;
- (c) (i) 46 of the parking stalls in the underground parking facility known as Lot C located directly east of the State Capitol; and
- (ii) 52 of the parking stalls in the underground parking facility known as Lot E located directly east of the Senate Building; and
- (d) any other area designated by the State Capitol Preservation Board as the governor area.

(3) The governor area is reserved for the use and occupancy of the governor and lieutenant governor and their staff, committees, and functions.

(4) The data centers in the Senate Building and State Capitol which are associated with the governor, lieutenant governor, or their staff space are the responsibility of the governor, and the maintenance of these data centers shall be by the State Capitol Preservation Board at the direction of the governor.

(5) The governor shall exercise complete jurisdiction over the governor area, except for the following, which are the responsibility of the State Capitol Preservation Board:

- (a) the architectural integrity of the governor area, including:
 - (i) restored historic architectural or design features;
 - (ii) historic color schemes, decorative finishes, and stenciling;
 - (iii) decorative light fixtures; and
 - (iv) flooring;
- (b) control of the central mechanical and electrical core of the Senate Building and State Capitol on all floors;
- (c) control of the enclosure of the Senate Building and State Capitol from the exterior of the building to the interior of the exterior wall;
- (d) the roof of the Senate Building and State Capitol;
- (e) the utility and security tunnels between the underground parking structure and the Senate Building and State Capitol;
- (f) public restrooms of the Senate Building and State Capitol;
- (g) maintenance of all the elevators and stairways in the Senate Building and State Capitol; and
- (h) those functions the governor delegates in writing to be performed by the State Capitol Preservation Board.

(6) The responsibility for the communications centers in the Senate Building and State Capitol is as provided in Subsection 36-5-1(6).

(7) The State Capitol Preservation Board shall schedule and manage the Capitol Board Room on the second floor of the State Capitol.

(a) The governor's and lieutenant governor's use of the Capitol Board Room for functions shall be given scheduling priority over other meetings, except as provided in Subsection (7)(b). If the governor or lieutenant governor has need for the Capitol Board Room that has already been scheduled by another person, the governor or lieutenant governor shall be given the Capitol Board Room and as much notice as possible shall be given to the other person scheduling the room so that person may seek an alternative site.

(b) During a general session or special session of the Legislature or on interim committee days designated by the Legislative Management Committee, a legislator's use of the Capitol Board Room for functions shall be given scheduling priority over any meeting, including the governor's or lieutenant governor's use under Subsection (7)(a). If a legislator has need for the Capitol Board Room and it has already been scheduled by another person, the legislator shall be given the Capitol Board Room and as much notice as possible shall be given to the other person scheduling the room so that person may seek an alternative site.

(c) When the Legislature is not in session and on non interim committee days, a legislator's use of the Capitol Board Room for functions shall be given scheduling priority over any meeting, other than the governor's or lieutenant governor's use under Subsection (7)(a). If a legislator has need for the Capitol Board Room and it is not being used as provided in Subsection (7)(a), the legislator shall be given the Capitol Board Room and as much notice as possible shall be given to the other person scheduling the room so that person may seek an alternative site.

(d) When not being used for a governor, lieutenant governor, or legislative function, the Capitol Board Room may be scheduled by the State Capitol Preservation Board on a first-come, first-served basis:

- (i) by other executive or judicial branch entities; and
- (ii) by a public or private person or organization who complies with State Capitol Preservation Board rules for Capitol Hill Complex Facility use.

Enacted by Chapter 10, 2008 General Session